

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN GREEN,

Plaintiff,

v.

JONI SHANNON-SHARPE,

Defendant.

ORDER

11-cv-816-slc

Plaintiff Damien Green is proceeding in this case on his Eighth Amendment claim that defendant Shannon-Sharpe was deliberately indifferent when she failed to respond while plaintiff was having a panic attack. Now, plaintiff has filed a motion for preliminary injunction under Fed. R. Civ. P. 65(a) in which he states that defendant and her co-workers are retaliating and harassing plaintiff for filing this lawsuit. Specifically, plaintiff alleges that defendant or “her conspiratorial co-workers” are subjecting plaintiff to numerous conduct reports, cutting off power to his electronics, kicking his cell door while he is asleep and subjecting him to whistling and screeching noises on his cell intercom. Plaintiff asks the court to transfer him from the Wisconsin Secure Program Facility to the Waupun Correctional Institution, another maximum security facility or Wisconsin Resource Center. *See* dkts. 27-28. For the reasons stated below, plaintiff’s motion will be denied.

The first problem with plaintiff’s motion for preliminary injunction is that the motion is unsigned. Upon review of this case’s docket sheet, plaintiff did supply the court with signed signature pages of his supporting documents to the motion, but he did not provide a signature page for the actual motion itself. According to Federal Rules of Civil Procedure Rule 11(a), every pleading, motion and other paper filed with the court must be signed by the party if that party

is not represented by counsel. “The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” Fed. R. Civ. P. 11(a).

The second problem with plaintiff’s motion for injunctive relief is that his submission does not comply with this court’s procedures for obtaining a preliminary injunction. In particular, plaintiff has not submitted admissible evidence to support his requests for injunctive relief and he has not proposed facts supported by such evidence. Those procedures are set out in a document titled *Procedure To Be Followed On Motions For Injunctive Relief*, a copy of which is included with this order. However, even if plaintiff were to refile this motion in accordance with the court’s procedures, the court cannot grant him injunctive relief on issues that do not relate to the claims on which he has been allowed leave to proceed. Plaintiff’s allegations that defendant and other prison staff are retaliating against him for bringing this lawsuit do not relate to his claim that defendant Shannon-Sharpe failed to treat a panic attack plaintiff suffered in September 2010, so they cannot be addressed in a motion for preliminary injunctive relief in this lawsuit. Under Federal Rule of Civil Procedure 20, a plaintiff may not join unrelated claims in one lawsuit. If plaintiff believes that prison officials are retaliating against him for filing this lawsuit, he will have to do so in a new case against those individuals he believes are responsible after he exhausts his administrative remedies.

Third and finally, this court has no authority to ask wardens of state institutions to transfer inmates from one institution to another. The decision of when and where state prisoners are to be transferred is exclusively the job of prison administrators who are familiar with institution space availability, an inmate’s history, security classification and health care needs. Accordingly, plaintiff’s motion for preliminary injunction will be denied.

ORDER

IT IS ORDERED that plaintiff Damien Green's motion for preliminary injunctive relief, dkt. 27, is DENIED.

Entered this 29th day of November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge